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| 909 | 7590 | 09/06/2007 | EXAMINER | | |
| PILLSBURY WINTHROP SHAW PITTMAN, LLP | | | LANGDON, EVAN H | | |
| Eric S. Cherry - Docketing Supervisor | | | ART UNIT | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| 10762294 | 1/23/2004 | CHAMBERS, CHRISTOPHER PAUL | 016955-0307491 |

EXAMINER

Evan H. Langdon

ART UNIT

PAPER

3654

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DATE MAILED:

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Commissioner for Patents

The appeal brief submitted on 7/17/07 is still defective for the reasons set out in the Notice of Non-Compliance of 6/26/07. Appellant still is referring to Random House Webster's Unabridged Dictionary in the supplemental appeal brief on page 7, and has listed a definiton of the term "pivot" in the evidence relied upon section without listing where it was entered by the examiner. 37 CFR 41.37(c)(1) states,

"Any appendix containing copies of any evidence submitted pursuant to 1.130, 1.3.1 or 1.1.32 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See 41.33 for treatment of evidence submitted after appeal." (emphasis added)

Further, 37 CFR 41.337(c)(2) states,

"A brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence." (emphasis added)

Appellant's attention is directed to 37 CFR 41.33 for guidance as to when evidence can be entered after the filing of a notice of appeal.

If Appellant has previously timely submitted the evidence referred to above, Appellant should provide a copy in the evidence appendix and a statement of when the evidence was entered by the examiner. If the evidence referred to above, has not been previously entered Appellant should consult 37 CFR 41.33 and/or remove the reference to unentered evidence for the appeal brief.

The time period for reply set forth in the Notice of Non-Compliance of 6/26/07 is still running and extensions of time are available.

Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600